

### **Amendments to the Drawings:**

The attached sheets of drawings include changes as listed below. The attached replacement sheets replace the original sheets.

The changes are as follows.

Figure 3 has been amended to remove the shading and remove the non-English writing.

Figure 4 has been added as requested by the Examiner. No new matter has been entered.

Attachment: 2 Replacement Sheets

## **R E M A R K S**

The *Ex Parte Quayle* office action of February 4, 2010 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 25, 28, 37-38, and 42-55 remain in this case.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

### **Statement of the Substance of the Interview**

The Applicant's attorney, Meghan Van Leeuwen, had a telephone interview with Examiner Clinton Ostrup on January 26, 2010.

There were no exhibits shown or demonstrations exhibited during the telephone interview.

Independent claims 25, 43 and 44 were discussed during the interview. Brand *et al.* prior art of record, was discussed during the interview.

The Examiner explained that the case was in condition for allowance, except for some drawing objections.

More specifically, the Examiner explained that there was shading in Fig. 3 that made it unclear. The Examiner also stated that there was non-English language within Fig. 3.

The Examiner also stated that the drawings must reflect the claimed subject matter, and that the method claims were not currently shown in the figures. The parties discussed that including a flowchart figure would be a way to depict the methods claimed.

In a follow up telephone call on the same day, the Applicant's attorney requested that the Examiner mail an *Ex Parte Quayle* action that stated in writing the drawing objections he had made during the telephone interview.

Applicant believes that this statement satisfies the requirements to file a Statement of the Substance of the Interview and accurately represents the substance of the interview conducted. If

the Examiner disagrees, or believes for any other reason that direct contact with Applicant's agent would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

### **Objections to the Drawings**

4. Figure 3 was objected to because of shading and because it contained non-English writing.

The Applicant has removed the shading and the non-English writing from Figure 3. No new matter has been entered. Reconsideration and withdrawal of the objection is respectfully requested.

5. The drawings were also objected to under 37 CFR 1.83(a) for failing to show every feature of the invention specified in the claims.

The Applicant respectfully disagrees with the objection. All of the allowed claims are method claims and it is not a requirement to provide a drawing for claims directed to a method.

35 U.S.C. 113 (first sentence), provides that an "applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." As stated in MPEP 601.01(f) "it has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence)." Furthermore, according to MPEP 608.02, "An OPAP formality examiner should not treat an application without drawings as incomplete if drawings are not required. A drawing is not required for a filing date under 35 U.S.C. 111 and 113 if the application contains: (A) at least one process claims including the term "process" or "method" in its introductory phrase..."

Nevertheless, to further prosecution of the application, the Applicant has included a new figure 4 with this response. Support for this figure is found in paragraphs 13, 16, 18, 23, 26, 28, and 29 of the published application. No new matter has been entered. Reconsideration and withdrawal of the objection under 37 CFR 1.83(a) are respectfully requested.

### **Conclusion**

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:  
*Scheuch et al.*

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